

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.: 10/805,155

Applicant(s): Russo

Filed: March 19, 2004

Title: APPARATUS AND METHOD FOR
INCREASING BULK SHIPPING
DENSITY OF PARTIALLY ASSEMBLED
COMPUTER CHASSIS

Examiner: Wright, Ingrid D.

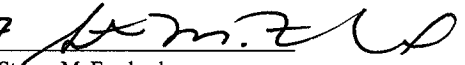
Art Unit: 2835

Customer No. 37123

Confirm. No.: 8639

Certificate of Transmission/Mailing

I hereby certify that this correspondence is being
facsimile transmitted to the USPTO, transmitted
via the Office electronic filing system, or deposited
with the United States Postal Service with
sufficient postage as first class mail in an envelope
addressed to: Commissioner for Patents, P.O. Box
1450, Alexandria, VA 22313-1450, on the date
shown below:

7-5-07 

Date Steven M. Freeland
Registration No. 42,555
Attorney for Applicant

RESPONSE TO NON-COMPLIANT APPEAL BRIEF

Mail Stop APPEAL BRIEF-PATENT
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Notice of Non-Compliant Appeal Brief mailed June 6, 2007,
Applicant provides the following remarks.

REMARKS

The Notification of Non-Compliant Appeal Brief (NNAB) asserts that Applicant's Appeal Brief is deficient because in Section V, Summary of the Claimed Subject Matter: the brief does not identify independent claims 1, 8 and 15 and show which page and line numbers or paragraph numbers of the specification and drawing, if any, they are being mapped to in the brief, (NNAB, Box 10).

Applicant is unaware of any legal authority that requires that an appeal brief provide a direct mapping of each independent claim recital to line numbers of the specification or drawings. The NNAB cited legal authority is 37 CFR 41.37(c)(1)(v) that states the brief shall contain:

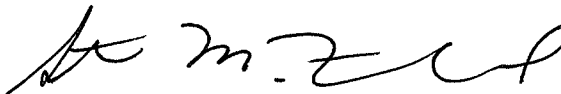
A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. **For each independent claim** involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section **every means plus function and step plus function** as permitted by 35 U.S.C. 112 six paragraph, must be identified and the structure, material or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number and to the drawing, if any, by reference characters. (37 CFR 41.37(c)(1)(v) emphasis added).

Applicant notes that 37 CFR 41.37(c)(1)(v) requires that for every means plus function and step plus function, the structure material or acts must be identified. Applicant's independent claims 1, 8 and 15 do not contain any means plus function or step function recitals. Applicant's Appeal Brief's summary of claimed subject matter refers to the specification properly by page and line numbers and to the drawings by figure and element numbers as required by the Rule 41.37. For example, the first sentence of Section V of the Appeal Brief, lists the drawing element numbers and a footnote identifies the figure number and relevant specification page and line numbers, (Appeal Brief, Page 2, Lines 10-11).

Applicant believes that the Appeal Brief is compliant with all regulations. If there are any concerns please contact me.

Respectfully submitted,

Dated: 7-5-07

A handwritten signature in black ink, appearing to read 'S. M. Freeland', written in a cursive style.

Steven M. Freeland
Reg. No. 42,555

Address all correspondence to:
FITCH, EVEN, TABIN & FLANNERY
Thomas F. Lebens
120 So. LaSalle Street Ste. 1600
Chicago, IL 60603
(858) 552-1311